

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MIRON CONSTRUCTION CO., INC.,

ORDER AND JUDGMENT

Plaintiff,

12-cv-412-wmc

v.

STRUCTURAL STEEL OF ST. PAUL, INC.,

Defendant.

On July 31, 2012, default was entered against defendant Structural Steel of St. Paul, Inc., because it had failed to appear, plead or otherwise defend in this action. At the hearing on plaintiff Miron Construction Co., Inc.'s motion for default judgment, I found that plaintiff had adequately proven its attorney costs of \$455.50 and fees of \$3,019.50, but plaintiff needed to support its request for damages with an affidavit from someone with personal knowledge. In addition, Benjamin Morrow attempted to appear on behalf of defendant for the first time at the default judgment hearing, despite his not being a licensed attorney.

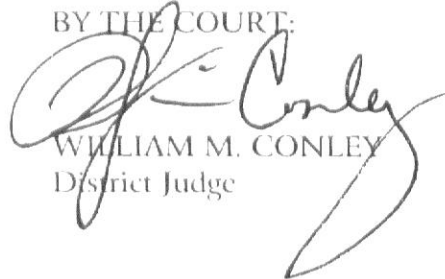
In an ordered entered August 29, 2012, I awarded plaintiff's request for costs and fees, gave plaintiff an opportunity to file a supplemental affidavit and gave defendant a chance to respond through counsel. Plaintiff has filed an affidavit from Dean Batten, plaintiff's secretary, treasurer and chief financial officer, which shows that plaintiff suffered \$166,658.46 in damages as a result of defendant's breach of contract. Defendant has not filed a response.

Having failed to appear or object to the motion or supporting materials:

Judgment is hereby entered in favor of plaintiff Miron Construction Co, Inc. and against defendant Structural Steel of St. Paul, Inc. in the total amount of \$162,658.46 for defendant's breach of contract, for a total judgment of \$166,123.46 plus interest from the date of this order of judgment.

Entered this 22nd day of October, 2012.

BY THE COURT:


WILLIAM M. CONLEY
District Judge


Peter Oppeneer, Clerk of Court

10/22/12
Date